THE HON'BLE MR. JUSTICE V.V.S.RAO

WRIT PETITION No.14053 of 2005

22.9.2005

Between:

Kesetty Pentaiah, S/o.K.Vittalaiah, C/o.Natraj Textiles,

Tobacco Bazar, Secunderabad.

… Petitioner

AND

1. The District Collector, Hyderabad District, Hyderabad

and another.

… Respondents.

ORDER:

The petitioner claims to be owner of Plot No.155 admeasuring 233 Sq.yards in Survey No.74/3 of East Marredpally, Secunderabad. He allegedly obtained necessary building permission from Secunderabad Cantonment Board and commenced construction of the house. He alleged that the second respondent with his subordinate officials came to the plot and claiming that the land belongs to the Government, threatened to dispossess the petitioners. Therefore, the present writ petition is filed for a writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners as illegal and arbitrary.

The learned Assistant Government Pleader for Revenue (General) was directed to get instructions in the matter. After getting instructions, he submits that the land in Survey No.74/3 of East Marredpally is Government land and in respect of which the Government has filed a case before the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982, which is pending. It is also stated that in the said case being LGC No.167 of 1997, the Government has filed I.A.Nos.1405 to 1408 of 1998 and the Special Court passed orders in the said I.As restraining the Mandal Revenue Officer, Marredpally, the second respondent herein, from interfering with the possession and also restraining the petitioners from making further constructions in the land. In all these applications, M/s.Ravi Cooperative Housing Society Limited, the vendor of the petitioners, is arrayed as respondent No.4. It is, however, not denied that the petitioner is not a party to LGC No.167 of 1997 and the Mandal Revenue Officer is taking necessary action to implead the petitioner.

In view of the submissions made by the learned Assistant Government Pleader, the writ petition is disposed of giving liberty to the second respondent to implead the petitioner in LGC No.167 of 1997. Till then, the Mandal Revenue Officer shall not in any manner disturb the possession of the petitioner and the petitioner is also prohibited from making further constructions in the land, unless and until he

obtained appropriate orders from the Special Court.

The writ petition is, accordingly, disposed of. No costs.

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(V.V.S.RAO, J)

September 22, 2005.

NOTE:

Issue copy of the order

in three days.

(B/o)

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